

CRIMINAL DOCKET NUMBER 190,819-B

STATE OF LOUISIANA

12TH JUDICIAL DISTRICT COURT

VERSUS

PARISH OF AVOYELLES

DERRICK WALKER STAFFORD

STATE OF LOUISIANA

REASONS FOR SENTENCING

On behalf of the wonderful staff of the Twelfth Judicial District Court, I welcome all of you to this proceeding.

To our staff this is just another in a much too long list of murder trials. So far this year, we have already had a Second Degree Murder Trial in January – murder of a two year old; this Trial; and we have other murder trials scheduled in May and June.

To us, this proceeding is different only due to the media coverage. Each trial and/or proceeding is processed through this Court in the same manner. We readily realize the importance of each case to the parties involved and we work hard to insure that Justice is served as dictated by applicable law.

Concerning this proceeding, an Avoyelles Parish Grand Jury returned a True Bill of Indictment charging Derrick Walker Stafford with having committed on November 3, 2015 the offenses of Attempted Second Degree Murder of Christopher Few and Second Degree Murder of Jeremy Mardis. On January 5, 2016, the defendant appeared and entered a plea of Not Guilty and the matter was set for Trial. After several continuances and multiple hearings, this matter proceeded to Trial by Jury on March 13, 2017. This Trial consisted of a five day jury selection process and then a five day Jury Trial wherein fifty (50) witnesses were called to testify and many exhibits were introduced. After approximately three hours of deliberation, the jury returned a verdict on March 24, 2017 of Attempted Manslaughter on Count 1, being the charge of Attempted Murder of Christopher Few; and of Manslaughter on Count 2, the charge of Second Degree Murder of Jeremy Mardis. The defendant was remanded for sentencing this date.

In preparation for this sentencing, this Court has reviewed the entire record of this proceeding, all evidence adduced at Trial, argument of counsel, and this Court has performed an independent review of applicable law and jurisprudence. Additionally, this Court has considered victim impact evidence and letters of support from friends and family members of the defendant along with several photos.

COPY/IS
SENT 3/31/17

BY:

TO:

Matthew Denes! Jonathan Gains! Chris Lelaw
John Linguefeld

FILED: March 31, 2017
BY: Sharon H. Charet
Deputy, Clerk of Court

What this Court has not considered at all are any newspaper accounts; television reports; and/or any social media postings. Throughout the process of Trial, and since that time, this Court has avoided any and all media reports and/or social media reports concerning this matter.

As stated above, Derrick Walker Stafford was convicted by an Avoyelles Parish Jury of the offenses of Attempted Manslaughter and Manslaughter. Manslaughter is defined in R.S. 14:31 as a homicide which would be murder but is committed in sudden passion or heat of blood. Attempt is defined in R.S. 14:27 and applies when a person has specific intent to commit a crime and does something for the purpose of accomplishing the act.

The evidence adduced at Trial confirms that Derrick Walker Stafford is a product of a very fine Rapides Parish family. Derrick Walker Stafford had a desire early in his life to become a police officer and he did further that pursuit by becoming employed by the Town of Cheneyville Police Department, Marksville Police Department, Marksville Ward Marshall's Office, and Alexandria Ward Marshall's Office.

The testimony adduced at Trial by Derrick Walker Stafford was extremely impressive. Stafford testified in an extremely calm manner considering the circumstances. This testimony confirms this Court's prior involvement with Stafford in several cases wherein Stafford appeared as a police officer/witness in Division B of the Twelfth Judicial District Court. Officer Stafford has always appeared in a very calm manner and has always been extremely respectful to the Court process. This respect continued throughout the pendency of these proceedings.

Additionally, this Court has reviewed many photographs of Derrick Stafford with several friends and family members together with several letters from relatives, friends, and concerned individuals. For the most part these letters describe Derrick Walker Stafford as a hard working, trustworthy family man. These letters indicate and confirm that Derrick Walker Stafford is a good man, good husband and good father to his children. For the most part, these letters request leniency. However, some of the letters received were extremely critical of the entirety of the process.

Additionally, this Court has considered the criminal background of the defendant, Derrick Stafford. The criminal record of Derrick Stafford reflects four arrests - - one in 2001 for Possession of Marijuana; one in 2007 for Discharge of a Firearm in the City Limits; one in 2011 for Aggravated Rape; and the arrest for the matters before the Court. The Aggravated Rape charge

was dismissed by the Rapides Parish District Attorney. The Possession of Marijuana charge and Discharge of a Firearm in the City Limits charge reflect no disposition, indicating they also were dismissed. Additionally, the Court has considered the allegations that Officer Stafford used excessive force on individuals after they were under arrest. These are only mentioned as allegations due to the fact that these matters remain outstanding.

In any regard, this Court has a firm belief that Derrick Walker Stafford is a good man, family man, good father and good husband. Unfortunately, there are times when good people do bad things. In the case at bar, a good man - - - Derrick Walker Stafford has been convicted by an Avoyelles Parish Jury of doing some extremely bad things - - - committing two very serious crimes.

The evidence submitted at Trial brought forth many surprises to this Court. Although having presiding over this proceeding from its inception, this Court was amazed at how much evidence was submitted at Trial that was not part of the Pre-Trial Discovery and/or Motion process.

Due to the charges pending against Norris Greenhouse, Jr., a co-defendant, this Court will make extremely limited comments on the evidence. These limited comments are only issued to confirm that the verdict of the jury was substantiated by evidence submitted. In particular, the evidence confirms that the police chase ended at the end of Martin Luther King Drive at its intersection with Tensas Street. Apparently Few backed into the Greenhouse vehicle and then pulled forward and away in a perpendicular manner; stopped; then backed up away from the three stationary police cars again at a perpendicular angle. While backing up Officer Stafford yelled for Few to put up his hands and while doing so Officer Stafford aimed his handgun at Few and pulled the trigger, shooting fourteen times.

As a result of the shooting Christopher Few sustained serious injuries and Jeremy Mardis was killed. Some of the bullets in the body of Jeremy Mardis were traced to the gun of Derrick Stafford. Two of these bullets were sufficient in and of themselves to cause death to this six year old child. This evidence in and of itself clearly justifies the findings of the responsive verdicts returned by the jury, at the least.

After these considerations, the Court looked to the law.

Article 894.1 of the Louisiana Code of Criminal Procedure sets forth several sentencing guidelines for Courts to consider. This law provides that if a defendant has been convicted of a

felony, the Court should impose a sentence of imprisonment if there is an undue risk that during any period of suspended sentence the defendant would commit another crime; if the defendant is in need of correctional treatment or a custodial environment that can be provided most effectively by his commitment to an institution; if a lesser sentence would deprecate the seriousness of the defendant's crime. Considering all evidence and research, it is obvious that this portion of our law requires a sentence of imprisonment in the case at bar.

Article 894.1 goes on to list certain aggravating and mitigating circumstances for Court's to consider. In considering the aggravating circumstances set forth in Article 894.1, the following are found to be applicable:

- 1) Officer Stafford's conduct during the commission of the crime manifested deliberate cruelty to the victims, Christopher Few and Jeremy Mardis.
- 2) Officer Stafford used his position or status as a police officer to facilitate the commission of the offense.
- 3) Officer Stafford used actual violence in the commission of his crimes.
- 4) The offenses resulted in significant permanent injury to Christopher Few and death to Jeremy Mardis, thereby resulting in a significant loss to the family of Jeremy Mardis.
- 5) Officer Stafford used a dangerous weapon, that being a .40 mm handgun, in the commission of the offenses.

In considering mitigating circumstances as set forth by Article 894.1 of the Code of Criminal Procedure, the following are found to apply:

- 1) The imprisonment of Officer Stafford will entail hardship to himself and/or his family. This provision applies to every case.
- 2) The actions of Christopher Few, though insufficient to establish a defense of justifiable homicide and/or self-defense, was a substantial factor in the commission of the offense.

After considering aggravating and mitigating circumstances, this Court considered prior cases similar in nature and performed research into same. This Court has presided over several cases wherein a person charged with murder either pled guilty pursuant to a plea agreement or was found guilty of the responsive verdict of Manslaughter. One such case is *State v. Ebony Trust*, from 1997. Ebony Trusty actually stabbed her grandmother seventy-eight times, but entered a plea agreement to Manslaughter, subject to a Sentencing Hearing. A forty year sentence was imposed.

Many years ago the maximum sentence for Manslaughter was twenty-one years. Many years ago Courts were given special guidelines to follow wherein a certain sentencing range was issued. In *State v. Sepulvado*, 655 So. 2d 623, a 1995 case, a defendant killed a six year old child. The defendant had no criminal history. The victim was six years old and therefore found

vulnerable. The act was found to constitute deliberate cruelty. The sentencing guidelines at the time suggested a five to six year sentence, however, the Trial Court imposed the maximum sentence of twenty-one years which was upheld by the Appellate Court.

Another case reviewed was *State v. Bowens*, 156 So. 3d 770, wherein a defendant was charged with Second Degree Murder and a jury returned a verdict of Manslaughter. Prior to sentencing the Court considered victim impact testimony, and the evidence adduced at Trial. The evidence confirmed that the defendant shot at the victim seventeen times, hitting eight times. The defendant apologized but continued to raise the argument of self-defense. The jury found that the offense was not justified. In that case the victim had actually fired a gun. In this case the Appellate Court reviewed multiple cases where the maximum forty year sentence for Manslaughter was imposed. In *Bowens*, the maximum sentence was imposed and upheld.

In *State v. Holmes*, 754, So. 2d 1132, a forty year sentence for Manslaughter and twenty year sentence for Attempted Manslaughter was found not to be excessive considering that the defendant secretly followed his ex-wife and her boyfriend home, grabbed a ladder from a nearby truck, gained entry to the home and shot both individuals. In this case -- the defendant was charged with Second Degree Murder and Attempted Second Degree Murder and was found guilty of responsive verdicts. The boyfriend was killed. His ex-wife was not killed. The Appellate Court found that the deliberate steps and preparation required for the defendant to have committed the crimes, their serious and tragic nature, and the devastating losses to the victims and their families justify the imposition of maximum sentences similar to the case at bar.

Our Courts have long held that defendants charged with Second Degree Murder and allowed to plead guilty to Manslaughter and/or are found guilty of Manslaughter at Trial receive a substantial benefit in and of itself from that finding. Numerous cases reviewed by our Courts have held such. An example is *State v. Bailey*, 968 So. 2d 247 where a forty years sentence was imposed when the defendant was charged with Second Degree Murder but allowed to plead guilty to Manslaughter. In *Bailey*, 968 So. 2d 247, being a case from Rapides Parish, a defendant was initially charged with First Degree Murder then the charge was reduced to Second Degree Murder. The defendant was allowed to plead guilty to Manslaughter with no sentencing recommendation. The Trial Court found that the defendant was either a gun man himself or a principal to the crime. After finding that there was no justification or excuse for the offense, the Trial Court issued a

maximum sentence of forty years finding that the defendant received a significant sentencing benefit by being allowed to plead guilty to Manslaughter.

In *State v. Jackson*, a 2017 case, Westlaw No. 104504, a defendant was indicted for Second Degree Murder and allowed to plead guilty to Manslaughter with a sentencing range of twenty to forty years. A forty year sentence was imposed. The defendant, a woman, told her friend that she intended to pull a gun on her boyfriend to scare him, however, she shot him twice in the head. This defendant had no prior criminal record, admitted her guilt and showed remorse. The Trial Court considered these factors together with multiple letters stating good character of the defendant and considered a victim impact statement. The Trial Court stated that

“where a defendant has pled guilty to an offense which does not adequately describe his conduct or has received a significant reduction in potential exposure to confine a plea bargain, the Trial Court has great discretion in imposing even the maximum sentence for the pled offense.”

After considering all of the above, this Court gave tremendous thought to the senseless tragedy that occurred on November 3, 2015. The events of that night have caused tragic loss to multiple families, not only the victims, but also to the defendants. This senseless tragedy simply should never have happened.

Christopher Few made multiple mistakes and exhibited extremely poor judgment on the night of November 3, 2015. During the pendency of these proceedings many people have questioned the lack of criminal charges filed against Christopher Few and against other police officers at the scene. Courts do not file charges. Courts hear cases brought to them by a Prosecutor, and in the event charges are instituted against Christopher Few or any other individuals resulting from actions during the November 3, 2015 incident, these individuals will be treated just like all others.

It is often said that we all make choices. Good choices result in good consequences and bad choices result in bad consequences. Christopher Few made a decision that he felt was necessary to protect his child when in course and in fact he clearly should have stopped his vehicle when he noticed the blue lights on the car following him. These poor choices led to the incident at the end of Martin Luther King Drive, however, the evidence is totally clear that at the time that Officer Stafford pointed his .40 mm handgun at Christopher Few and shot fourteen times the Few vehicle was stopped and Christopher Few was looking at Officer Stafford and had either already raised his hands in surrender or was in process of so doing. Pulling a trigger of a .40 mm handgun

while aimed at an individual is a clear indication of an intent to kill or inflict great bodily harm. Although it appears that Officer Stafford did not know that six year old Jeremy Mardis was seated in the passenger's seat of the vehicle, our law of transferred intent applies and Stafford easily could have been found guilty of Second Degree Murder. The responsive verdicts of Manslaughter and Attempted Manslaughter are extreme benefits to Stafford considering the evidence.

This Court has consistently referred to the defendant as Officer Stafford throughout these Reasons for Sentence. Our police officers are trained to protect and serve the public. They are certainly entitled to use force in their defense when there is an imminent danger or threat of the officer receiving death or great bodily harm. The jury obviously found that Officer Stafford was not in imminent threat of danger of receiving death or great bodily harm at the time that the trigger was pulled. The Few vehicle was stopped. His hands were raised or were in process of being raised when he was shot at fourteen times. Had the trigger not been pulled, Few was clearly in surrender mode. The shooting simply never should have occurred.

The State of Louisiana has filed a Motion to Invoke Firearm Sentencing Provisions based upon Code of Criminal Procedure Article 893.3 which addresses sentencing provisions for convictions of Attempted Manslaughter and Manslaughter resulting from the use and/or discharge of a firearm. The evidence adduced at Trial conclusively proves that the defendant did discharge a firearm causing bodily injury to Christopher Few and death to Jeremy Mardis. This Motion was filed by the State of Louisiana on February 4, 2016 and heard this date, with said Motion being granted. The provisions of Article 893.3 of the Louisiana Code of Criminal Procedure therefore become applicable.

For the crime of Attempted Manslaughter this statute provides that if the Court finds by clear and convincing evidence that a firearm was actually used or discharged by the defendant during the commission of the felony for which he was convicted, that being Attempted Manslaughter, and thereby causes bodily injury, the Court shall impose a term of imprisonment of fifteen years. The evidence submitted at Trial is clear and convincing that the defendant discharged his firearm and caused bodily injury to Christopher Few. A mandatory sentence of fifteen years is therefore applicable to the charge of Attempted Manslaughter.

Concerning the Manslaughter charge, this statute provides that Manslaughter is a violent felony and further provides that if the firearm is discharged during the commission of such a violent

felony, the Court shall impose a minimum term of imprisonment of twenty years. Such sentence shall be imposed without benefit of parole, probation or suspension of sentence. A defendant sentenced under the provisions of this law shall not be eligible for parole during the period of the mandatory minimum sentence.

Therefore, and after consideration of all factors, the following sentences are imposed

Count 1 - Attempted Manslaughter of Christopher Few - - Derrick Walker Stafford is sentenced to serve a period of fifteen years in the Louisiana Department of Corrections with credit for any time served since November 3, 2015, as per the mandatory provisions of Code of Criminal Procedure Article 893.3(D).

Count 2 – Manslaughter of Jeremy Mardis - - Derrick Walker Stafford is sentenced to serve a period of forty years in the Louisiana Department of Corrections without benefit or probation or suspension of sentence, but with credit for time served since November 3, 2015; as per the provisions of Article 893.3E(1)(2) with twenty years of this sentence to be served without parole, probation or suspension of sentence.

The sentences herein imposed shall run concurrently with each other.

Derrick Walker Stafford is hereby informed that the crimes for which he has been convicted are crimes of violence. The sentences imposed are enhanced sentences. These sentences are not subject to diminution for good behavior due to being crimes of violence. Derrick Walker Stafford has two years from the date that the Judgment of Conviction and Sentence becomes final within which to apply for Post-Conviction Relief. Derrick Walker Stafford has a period of thirty days from rendition of this Judgment within which to institute any Appeal.

Marksville, Louisiana, on this 31 day of MARCH, 2017.


WILLIAM J. BENNETT
12TH JUDICIAL DISTRICT COURT JUDGE
DIVISION B

This certifies that the foregoing
is a true copy of the original signed
and filed this 31st day of March


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Clerk 12th Judicial District Court